

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	Hon. Dan A. Polster
THIS DOCUMENT RELATES TO:)	
)	
“Tribal Track Cases”)	
_____)	

**DECLARATION OF CURTIS E. OSCEOLA IN SUPPORT OF MOTION FOR ENTRY
OF CASE MANAGEMENT ORDER, SETTING OF CASE STATUS CONFERENCE
FOR TRIBAL TRACK CASES, AND APPOINTMENT OF WILLIAM SCHERER
AND ADAM MOSKOWITZ TO TRIBAL LEADERSHIP COMMITTEE**

I, Curtis E. Osceola, declare and say as follows:

1. I am counsel for the Miccosukee Tribe of Indians of Florida and co-counsel for the Seminole Tribe of Florida in the above-captioned MDL. I am also a member of the Miccosukee Tribe of Indians of Florida (the “Miccosukee”). I have personal knowledge of the facts set forth below and, if called as a witness, I could and would competently testify thereto. I respectfully submit this declaration in support of Plaintiffs’ motion for entry of case management order, setting of case status conference for Tribal Track Cases, and appointment of William Scherer and Adam Moskowitz to Tribal Leadership Committee.

2. On October 2, 2019, I, along with my colleagues Adam Moskowitz and William R. Scherer, spoke with Archie Lamb, a member of the Tribal Leadership Committee regarding the progress in the Tribal Track Cases. Mr. Lamb stated that he has been lobbying Plaintiffs’ leadership to support the issuance of a case management order setting a trial date for the Tribal Track bellwether cases. Mr. Lamb also informed us that his efforts had been unsuccessful and that that he was frustrated by the manner in which the Tribal Track cases were proceeding.

3. At present, there is no CMO setting deadlines for certification of a settlement class, The Tribal Leadership Committee has postponed or otherwise put a hold on calls with counsel in the related actions since July 2019, just before the deadline to file tribal short-form complaints.

4. The Miccosukee have engaged Kaufman Rossin & Co. (“KR”) to perform forensic accounting services to determine the damages attributable to the opioid epidemic.

5. The Miccosukee have also engaged Dr. Kathleen Brady, M.D., Ph.D., Distinguished University Professor of Psychiatry of the Medical University of South Carolina (“Dr. Brady”), to consult with KR and help identify costs attributable to the opioid epidemic.

6. Both KR and Dr. Brady have confirmed that the identification and calculation for Tribes is significantly different from those performed thus far in the Track One Cases. Particularly, that the tribes will have to separate actual expenditures from Indian Health Service grants and funding, and calculation of decreased productivity of tribal enterprises presents a challenge.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of October, 2019.

/s/ Curtis E. Osceola
Curtis E. Osceola, Esq.